

MEMORANDUM OF UNDERSTANDING

ARLINGTON COUNTY CHILD ADVOCACY CENTER

**The Investigation and Treatment of Child Victims of
Sexual Abuse and Severe Physical Abuse and Neglect**

September 2005

Arlington County, Virginia

Memorandum of Understanding: The Investigation and Treatment of Child Victims of Sexual Abuse and Severe Physical Abuse and Neglect

Statement of Purpose

We the undersigned renew our commitment to continue improving Arlington County's response to child abuse. We represent the Department of Human Services including: Mental Health, Public Health, Child Protective Services (CPS), and Violence Intervention; Law Enforcement; Commonwealth Attorney's Office; and the County Attorney's Office.

We share an understanding that child abuse is a multifaceted community problem and no single agency, individual or discipline has the necessary knowledge, skills or resources to serve the needs of these children and their families. We pledge to combine our skills and expertise so that all our citizens will benefit from our collective will to eradicate child abuse. We pledge to ensure that children are not further victimized by the intervention systems designed to protect them, and will work to prevent trauma to Arlington children caused by multiple, duplicative contacts with different professionals.

We support the continued development and implementation of a child victim focused approach which established a cooperative effort among the undersigned agencies. This multi-disciplinary program will continue coordinating the investigation, assessment, medical and therapeutic interventions for child victims of sexual abuse, severe physical abuse or neglect. We will continue to enhance our capacity to reduce the trauma associated with abuse. Our team will focus first on the needs of the child, second on law enforcement, prosecution, and third supporting the needs of the non-offending victim's family members.

We agree to continue receiving multidisciplinary training. The trainings will enhance our knowledge and skills in the areas of investigation, intervention, treatment and prosecution of abuse cases.

We pledge to continue providing culturally sensitive and culturally competent services that meet the needs of children and family members. We acknowledge the need to educate our community about child abuse issues, dynamics, and unique service needs.

Investigative procedures

Each agency will work within its policies and procedures. Nothing contained herein supersedes the statutes, rules and regulations governing each agency. Current regulations will prevail to the extent that any provision of this agreement is inconsistent with such statute, rule or regulation.

Staff participating in the Child Advocacy Center (CAC) will maintain confidentiality of all records and information regarding cases as determined by state and federal law.

Definitions

Volume VII, Section III, Chapter A of the Virginia Department of Social Services states that Virginia Code 63.2-100 provides the statutory definitions of abuse and neglect. A child who is a victim of sexual abuse is any child less than eighteen years of age whose parents or other person responsible for his care commits or allows to be committed any act of sexual exploitation or any sexual act upon a child in violation of the law.

Virginia Code 63.2-100 provides the statutory definition of physical abuse. An abused or neglected child means any child less than eighteen years of age whose parents or other person responsible for his care creates or inflicts, threatens to create or inflict, or allows to be created or inflicted upon such child a physical or mental injury by other than accidental means, or creates a substantial risk of death, disfigurement, or impairment of bodily or mental functions.

Virginia Code 63.2-100 states that a neglected child is any child less than eighteen years of age whose parents or other person responsible for his care fails to provide food, clothing, shelter, or supervision for a child to the extent that the child's health or safety is endangered. This also includes abandonment and situations where the parent or caretaker's own incapacitating behavior or absence prevents or severely limits the performing of child caring tasks.

Clients Served

The Child Advocacy Center will serve children who have been sexually abused or who are victims of severe physical abuse and/or physical neglect. Children interviewed will be over two years of age and under eighteen years of age. Children referred to the CAC will meet Child Protective Services guidelines of victimization by a perpetrator in a caretaker role. Forensic interviewer may provide precautionary interviews when there is an unknown perpetrator or when a child is acting out sexually, or for siblings as potential victims or as a witness to sibling victim.

CAC Cases

CPS Intake and Assessment Unit will determine that a referral meets validation standards by obtaining whatever information is necessary to meet validation.

The decision of whether a case requires a forensic interview to be held at the CAC with review by the MDT will be determined as follows: All efforts shall be made to avoid multiple interviews of a child, involving the same reported allegation(s). If the referral is vague and needs clarification, a minimal facts interview is recommended. This brief minimal facts interview should be followed up with an in-depth interview as needed, conducted as soon as possible after the report of the allegation(s). This further in-depth interview should be conducted in a child-friendly setting such as the CAC.

Hours of Operation

The Child Advocacy Center will operate during business hours for Arlington County. After-hour referrals will be responded to by the on call Child Protective Services (CPS) social worker

in concert with the police. CPS will refer these after-hours cases to the Child Advocacy Center during next business day for follow-up intervention and tracking.

Investigative Protocol

Notification

- The Intake and Assessment Unit of Child Protective Services (CPS) will notify the CAC of referrals warranting joint MDT investigation and/or review.
- The Intake and Assessment Unit of CPS will fax all CAC referrals to the County Attorney's Office as soon as possible.
- The CAC will notify all the MDT members of referrals received for joint CAC investigation and/or review.
- The Intake and Assessment Unit of CPS will assign referrals to the CAC based on the determination of whether a case meets the above joint investigation requirement as well as the requirements listed in Section Clients Served.
- The forensic interviewer will notify the MDT regarding the time of the interview.
- The Intake and Assessment Unit of CPS will notify the Commonwealth Attorney's Office.

Transportation of Child Victims to 3033 Wilson Boulevard

- Police will take lead role regarding transportation. CPS and Police will discuss whether non-offending parent should transport child to the CAC. Non-offending parent should accompany child to the CAC, if possible. If the referral is from the schools, the School Resource Officer will transport the child to the CAC. A school counselor may accompany the victim to the CAC. Other incidents will be evaluated on a case by case basis.
- The alleged perpetrator is not allowed to accompany child, and will not be involved in the interviewing process. The alleged perpetrator is not allowed in the CAC area.

Pre-Interview Staffing

- The forensic interviewer arranges the pre-interview staffing. The pre-interview staffing begins when the core group is present and may include police, CPS, forensic interviewer, mental health, Public Health Division and telephone conferencing with County Attorney's Office and Commonwealth Attorney's Office.

Interview

- The Child Advocacy Center (CAC) will be a comfortable, child friendly, neutral environment where children can come to be interviewed regarding allegations of abuse.

- Every effort shall be made to limit in-depth interviews of a child to one time at the Child Advocacy Center
- The forensic interviewer interviews child(ren) with Police, CPS and other MDT members observing through the two-way mirror.
- The Child Advocacy Center accommodates children who are non-English speaking. Language Line services will be used if necessary. Hearing-impaired children are provided with sign language services.
- Interviews will be recorded and these tapes will become the property of the Police Department and/or CPS.
- Parents or attorneys for the parents and therapists will not be allowed to observe the interviews.

Case Tracking:

- The forensic interviewer will prepare and complete the CAC Case Review Tracking Form.
- The Tracking Form includes the information necessary to complete the Case Reviews. It includes information received from the Intake and Assessment Unit; law enforcement information including the assigned detective, Commonwealth and County Attorney case progress information, referral for mental health information, medical information and victim's assistance.

Medical Considerations

- Sexual Assault Nurse Examiner (SANE) forensic medical evaluation should occur immediately for children experiencing:
 - a. Sexual contact in preceding 5 days for whom forensic evidence collection and sexually transmitted disease prophylaxis and medical/surgical treatment are pertinent.
 - b. Bleeding, pain, physical symptoms
- If a physically or sexually abused child requires medical care, the medical care of the child will be the first consideration.
- SANE exams will be authorized by the Special Victim's Unit or in exceptional cases by CPS.
- Routine health assessments for all children who have not had a well child exam as suggested by the AAP and Bright Futures are recommended.

Post Interview: Immediate Safety or Crisis Management Needs

- The CPS social worker and supervisor will devise a plan to address the child safety issues. CPS determines whether the child can safely return home, or should be taken into protective custody.
- The CPS social worker will develop the child's safety plan with the non-offending parent.

Case Reviews

- Full case reviews are scheduled at a regularly specified time to track case progress. All members of the CAC team or their representatives and case specific invitees should attend the regularly scheduled case reviews. The purpose of the case review is to evaluate the safety plan for the child and non-offending family members, receive updated information regarding the civil and criminal issues, identify service gaps and make recommendations for services.

Role of Child Protective Services

The CPS social worker:

- Investigates all reports of alleged child abuse mandated by Virginia Law.
- Notifies the Special Victim's Unit of the Arlington Police Department regarding receipt of the referral from the Hotline.
- Participates in the pre-interview conference.
- Observes the forensic interview.
- Conducts the safety assessment.

The CPS Supervisor

- Participate in case reviews.

Role of Law Enforcement

The Detective:

- Investigates all cases of alleged child abuse as mandated by law.
- Initiates referrals to CPS if law enforcement initially receives the complaint. The detective shall avoid conducting interviews with child victims except in emergencies when an immediate referral to Child Protective Services is not possible.
- Participates with CPS in the pre-interview conference and observes the forensic interview.

Special Victim's Unit Supervisor:

- Participates in all case reviews.

Role of Commonwealth's Attorney

The Commonwealth Attorney:

- Determines appropriate criminal charges.
- Participates in all case reviews including, if possible, the pre-interview conference.
- Responds to legal issues presented for the criminal prosecution by the Child Advocacy Center.

- Is responsible for the final prosecution of the criminal case involving the alleged perpetrator.

Role of County Attorney's Office

The County Attorney:

- Provides consultation to CPS regarding referrals
- Represents the Department of Human Services in all Court Hearings in these cases including Protective Orders, Emergency Removal Orders, and Foster Care Hearings if the victim child is placed in foster care.
- If possible, observes forensic interview
- Participates in initial consultations and case reviews.

Role of Mental Health Treatment Provider

The Mental Health Therapist:

- Facilitate crisis intervention services for the child victim and non-offending family members.
- Assess the on-going mental health needs of the child victim and non-offending family members and help provide linkages to these services.
- Participates in pre-interview conferencing if possible.
- Observes forensic interview
- Participates in all case reviews.

Role of Public Health Pediatrician

The Pediatrician:

- Interprets medical terminology used in medical reports and provides consultation to the CAC Multidisciplinary Team
- Collects and shares medical resources, information, articles and texts.
- If possible, observes the forensic interview
- Participates in all case reviews.

Role of the Sexual Assault Nurse Examiner (SANE)

The Sexual Assault Nurse Examiner (SANE):

- Cares for the medical needs of the patient.
- Conducts forensic exams upon request of law enforcement/child protective services.
- Refers patient/family to relevant community resources
- Testifies as an expert witness upon request in any court proceedings.

Role of Victim's Advocate (Violence Intervention Clinical Supervisor)

The Violence Intervention Supervisor:

- Provides support and information to child victims and non-offending family members.
- Participates in the pre-interview conference.
- Observes the forensic interview
- Participate in case reviews.

We the undersigned, as parties to this MOU, adopt the preceding operational investigative procedures. We will continue to work together to develop the best intake, investigation and treatment practices. We recognize the need for flexibility and innovation as our prospective agencies unite to develop a model service delivery to address the monumental tasks of investigating and treating child abuse and neglect. We will jointly meet this challenge by sharing resources and focusing on our shared mission of justice, protection and healing. We understand that through this proposal, we continue our support of the Arlington County Child Advocacy Center.

Signatories of this Agreement:

Marsha Allgeier
Director
Department of Human Services
Representing, CPS, Victims Assistance,
Mental Health, and Public Health.

M. Douglas Scott
Chief, Arlington County
Police Department

Richard E. Trodden, Esq.
Commonwealth Attorney

Stephen MacIsaac, Esq.
County Attorney